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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,726	03/20/2001	Isamu Terasaka	SCEI 18.497	2601

26304 7590 09/30/2004

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EXAMINER

HUA, LY

ART UNIT PAPER NUMBER

2135

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,726

Applicant(s)

TERASAKA ET AL.

Examiner

Ly V. Hua

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/5/02, 8/22/03, 1/5/04</u> | 6) <input type="checkbox"/> Other: ____ |

Art Unit 2135

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- | | |
|---|--|
| <ol style="list-style-type: none">a. With regard to claim 2:<ol style="list-style-type: none">i The second limitation in the "wherein" clause is of negative kind. The negative recitation of the limit does not clarify where the information is included. | <ol style="list-style-type: none">b. With regard to claim 3:<ol style="list-style-type: none">i This claim is a single means claims. |
|---|--|

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –
 - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States;
 - (c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;
 - (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- Note: The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2135

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (5,563,947).

<p>As to claim 1:</p>	
<p>5. Claim 1 claims recording medium</p> <ul style="list-style-type: none"> a. readable <ul style="list-style-type: none"> i. by an information processor, b. having <ul style="list-style-type: none"> i. at least digital sound data and ii. a program <ul style="list-style-type: none"> (1) for controlling the reproduction of the digital sound data iii. recorded therein, <ul style="list-style-type: none"> i. wherein: <ul style="list-style-type: none"> the digital sound data (1) is encrypted; and ii. information (1) required (a) for decrypting (i) the encrypted digital sound data (2) is recorded in the program. 	<p>6. Kikinis (5,563,947) teaches:</p> <ul style="list-style-type: none"> a. a recording medium [31] <ul style="list-style-type: none"> i. readable by an information processor; ii. having <ul style="list-style-type: none"> (1) at least digital sound data [i.e., audio data in area 35] and (2) a program [i.e. means of enabling various parts of data region 35 that are in programming area 37] <ul style="list-style-type: none"> (a) for controlling the production of the digital audio data; and iii. wherein <ul style="list-style-type: none"> (1) the digital sound data [in area 35] (a) is encrypted [see Brief Summary Text – BSTX(23)]; and (2) information (a) required (i) for decrypting (1) the encrypted digital sound data (ii) is recorded in the program [37].

Art Unit: 2135

7. Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Inazawa et al (6,587,948 hereinafter Inazawa).

As to claim 2 and 3:

8. The next row of this table shows Claims 2 and 3.

<p>9. 2. A recording medium</p> <p>a. readable</p> <p>i by an information processor,</p> <p>b. having</p> <p>i multimedia data</p> <p>(1) which can be reproduced</p> <p>(a) by the information processor,</p> <p>(2) the multimedia data including</p> <p>(a) at least sound data,</p> <p>c. wherein:</p> <p>i the sound data</p> <p>(1) is encrypted; and</p> <p>ii the sound data</p> <p>(1) does not include</p> <p>(a) information</p> <p>(i) required</p> <p>1) for decrypting the encrypted sound data.</p>	<p>10. 3. An information processor</p> <p>a. capable of</p> <p>i reading</p> <p>(1) a recording medium</p> <p>(a) having</p> <p>(i) at least encrypted digital sound data and</p> <p>(ii) information</p> <p>1) required</p> <p>a) for decrypting</p> <p>i) encrypted digital sound data</p> <p>(iii) recorded therein,</p> <p>b. comprising,</p> <p>i means</p> <p>(1) for decrypting</p> <p>(a) the encrypted digital sound data</p> <p>(b) by referring to</p> <p>(i) the information</p> <p>1) required</p> <p>a) for decrypting the encrypted digital sound data.</p>
<p>11. Inazawa et al teaches:</p> <p>a. with respect to claim 2, a recording medium [119]</p> <p>i readable</p> <p>(1) by an information processor,</p> <p>ii having</p> <p>(1) multimedia data</p> <p>(a) which can be reproduced</p> <p>(i) by the information processor,</p> <p>(b) the multimedia data including</p> <p>(i) at least sound data [118],</p> <p>iii wherein:</p> <p>(1) the sound data [118]</p> <p>(a) is encrypted [by element 113]; and</p> <p>(2) the sound data [118]</p> <p>(a) does not include</p> <p>(i) information</p> <p>1) required</p> <p>a) for decrypting</p> <p>i) the encrypted sound data</p> <p>(b) [since the information is stored separately as shown in Fig. 3 that element 117 is not included in element 118].</p>	<p>12. Inazawa et al teaches:</p> <p>a. with respect to claim 3, an information processor [124]</p> <p>i capable of</p> <p>(1) reading [as shown in Fig. 3]</p> <p>(a) a recording medium [119]</p> <p>(i) having</p> <p>1) at least encrypted digital sound data [118] and</p> <p>2) information [117]</p> <p>a) required</p> <p>i) for decrypting encrypted digital sound data</p> <p>3) recorded therein,</p> <p>ii comprising,</p> <p>(1) means [120-123]</p> <p>(a) for decrypting</p> <p>(i) the encrypted digital sound data</p> <p>(ii) by referring to</p> <p>1) the information [117]</p> <p>a) required</p> <p>i) for decrypting the encrypted digital sound data.</p>

Art Unit: 2135

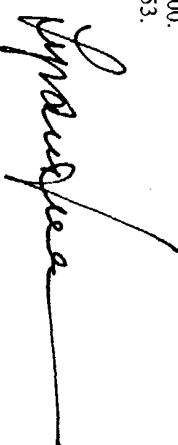
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly V. Hua whose telephone number is (703) 305-9684. The examiner can normally be reached on Monday to Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Kim, can be reached on 703-305-4303. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. The applicant is hereby notified that:
- TC 2100 will be moved to Carlyle in October 2004.
 - The new phone number for TC 2100 receptionist is (571) 272-2100.
 - The examiner's new contact phone number will be (571) 272-3853.



Ly V. Hua
Primary Examiner
Art Unit 2135

Lvh

September 24, 2004